To: Honorable Tudge: Michael 1/2008 Cons
MR. Tames B. Zagel Case Number: 0707197
From: Mr. Wardell Bright
Notice

The Defendants; Mr. R. Melondez, Mr. R. Corona, and their counsel Mr. Thomas Freitag; Did-not Send me, any of the exhibits that they filed in Court on me, with their motion. They send me copies of a motion, a Notice of motion, and a Certificate of Service. With NO exhibits ASB. I would like to know what is exhibit B; and receive a copy of any docketment that is filed with the court. It is being said in writing that they send me exhibits ASB, But the above Defendant's, did-not.

Sworn to this very day, that the above is true and correct, to the best of my knowledge. Signature: Mr. Wardell Bright

IN exhibit AA) The Defendent's officer's Said that I have a criminal damage to property. But I do not 8-7-08.

	Case Number: 0707197
	La Honorable Ludge.
	lo: Honorable Tudge: MR. Tames B. Zagel
	I would have sent you my answer motion.
_	I would have sent you my answer motion, before now, But I have had the following
	problems: With the Jail because they know that
	problems: With the Jail, because they know that I have filed a complaint on the Chicago Police.
	And I don't know the legal words that is being
	used.
	I have to look-up everything that I'm
	Sent. So I can get some kind of understanding
	Sent, So I can get some kind of understanding too what is in a motion, that's being talked
	about.
	I can-not get to the Law-Library Regularly.
	I can-not get to the Law-Library Regularly, to look-up the cases in the Defends motion.
	When I do they do not have this case are that
	Case: They mostly have crimial-law cases, and not Civil Cases. And I have problems with getting Stamps, and Copies.
	not Civil Cases. And I have problems with
	getting Stamps, and Copies.
	Respectfully: Mr. Wardell Bright
	Respectfully: Mr. Wardell Bright MR. Wardell Bright
	<u> </u>

Case 1:07-cv-07197, Document 27 Filed 08/14/2008 Page 3 of 23 United States Wistrict Wourt, Northern District of Illinois 8-7-08 Eastern Division

MR. Wardell Bright Rudge: MR. James B. Zagel V.S. Petitioner Case Number: 0707197 IR.R. Melondez*11398 MR. RECokoFaD7852, et. al Magist Recte Judge: BROWN FILED CON

AUG 14 2008

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Answer Motion:

To: HERK, & DESTRICT FORMER Add ant's Motion: Title to Stay the Proceedings Now comes the Petitioner, In his own proper, and moves this Honorable Court to receive my answer, to Defendant's Motion; attached hereto as (Exhibit AA). Defendant's Officer's Motion for failure to exhaust Administration, and State Remedies. I have tryed (Exhaustion of State, and Administration Remedies). By writting to the following; Sending written Grievance, Brief Summary, or complaints. (See Plaintiff Complaint, Exhibit'A).

(1) Made Complaint in Police Station, at the 009th District. 35th Low Street, Chicago Illinois, (Bridge Port) Police Station. With the officer's Shift-Commander. I could - not see at all out of

(Right eye). Could-not use Right arm, or hand at

that time; Gause of being Beaten, kick, and Stomped. I told the Shift commander, I wanted too make a complaint on the Police Officer's, (She) Shift-Commander, wrote my complaint out, or she Said She did. And that a copy would go on their records (Officer's), And a copy would be with the Police Report (My copy). This the above took place on or about 9-22-2007, before I was tooken to hospital by Chicago Police Officer's. (I have not received my copy).

(2) I wrote complaints or Grivance to O.P.S.

Ilana Rasenzweia, 10 west 35# Street, Chicago IL. 60616. On Dates: 10-30-07/11-17-07/12-11-07/2-8-08 3-13-08/4-25-08, And they came to talk too me on 6-2-08. I have a complaint number now, 2nder

their new Title, Independant Police Review

Authority, of the above address. (See altached hereto as Exhibit, C+1), and (Exhibit, C).

Judge, on or about 12-11-07. Mr. Dennis J. Porter, Courtroom: 606. 2650 € California, Chicago Illinois, 60608

My Public Defender, ended up getting Judge's Copy. I

also, Complainted in open court, On 3-26-08, and 4-16-08. (See Plaintiffs Complaint, Exhibit A).

(4) I tryed to file the same day by mail, looking for help (Complaint) With my Public Defender

773-869-3217, Ms. Brett Balmer, Courtroom: 606.

3

On ar about 12-11-07. And Sent her copies of the GRIEVance OR complaint. I also, Complainted from the first day to her about; (Sec Complaint). (5) I ryed to file a complaint or Grievance with, (Seeking their Help). Mr. Rev. Jesse Jackson; Tush Caplition, on or about 11-10-07, and 2-11-08. (6) Tryed to file a complaint or Grievance with (Seeking their Help). Mr. Rev. Al Sharton, on or about 12-11-07 (7) Tryed to file a complaint with, and Seeking Help, on or about 11-17-07. After No one would do anything. I trying too, exhausted all Remedies, to the best of my knowledge. And I wrote the District Court, Unite States court House/219 = Dear Born = Chicago IL, 60004. I wrote the court, and was sent back 4-Copies of (Complaint Under the Civil Right's act, Title 42 section 1983 U.S. Code (State County or municipal Defendants), On or about 12-17-07. (8) The Clerk of the Circuil Court of cook county, Richard J. Daley Center, Chicago II, 60001. I tryed to file a complaint or Grievance with them on or about 10-30-07, and 3-17-08. (9) The clerk of the circuit court, criming

Division; 2650 & California, 5 & floor, Chicago TL, 60608. On or about 10-30-07, 3-24-08, and 3-27-08. Tryed to file a Grievance or Complaint with their Office. (See attached Plaintiff's Complaint, Exhibit A).

(10) The cook, County, States Attoney's Office Civil Action (Room 500) Chicago Illinois, 60602. On or about 5-16-08, I tryed to file a complaint or Grievance with their office. (11) The State's Attoney's Office (11#floor) 2650 California, Chicago Illinois, 60608. On or about 4-25-2008. I tryed to file a complaint or Grievance with their office. I MR. Wardell Bright Pro-Se; Sworn to this very day - - 2008, that all the above is true and correct, to the best of my knowledge. Submitted in Good faith; Respectfully By: Mr. Wardell Bright Answer to Paragraph 4, et. al. (A) Linder the abstention doctention, federal Court's can entertain a claim for Damages under 42 U.S.C. \$1983. (B) Wolff V. ME Donnell, 418 U.S. 539, 411, Ed, 2d. 935 94 S. Ct. 2963, the Supreme Court explored the interrelationship between 28 U.S.C. \$ 2254, and 42 U.S.C. \$ 1983, in action brought by prisoners. The court recognized that in Preiser V. Rodriquez, 411 21.8. 47'5, 36 L. Ed. 2d. 439, 93 S. Ct. 1827, it had previously held that a writ of habeas

Corpus is the sole federal Remedy for

State prisoner Challenging the very fact or duration of their confinement, and secking a Speedier release. The court in Preiser however had also held that "habeas corpus" is not an appropriate or available federal remedy for damages claims, 411 U.S. at 494, and damages Claims could be pressed under \$ 1983 along with suit challenging the conditions of Confinement rather than the fact or length of custody. 1d at 498-499. (C) Claims properly brought under \$1983 may go forward in federal Court at the same time. 418. U.S. at 554 Claims properly brought under \$ 1983 include those seeking damages, a declaratory Judgment as a predicate to a damages award, or an injuntion against future misconduct. 1d. at 554-555-5 (D) A person have the Right to be "Secure" in their Persons. A Constitutional Right "Guarantees" everyone of (The United States) A certain amount of protection for their life, liberty and property. (E) EBO7 F 2d. 14013 The Fourth Circuit in Todd V. Baskerville, 712 F. 2d. 70.72-73 (4# Cir. 1983) explained that a \$ 1983 action

may be maintained without exhaustion of States

Remedies when the Prisoner claims:

(1) Alleges a consitution Due Process Violation Relating to prison procedures that do not effect the length or duration of his sentence then existing, OR (2) Seeking damages because of mistreatment violative of contitutional right and relating strictly to the conditions of his confinement, and not its fact or duration. (F) Eight Amendment, et. al. The level of intent; The Defendant Officer's (1) Actually knew of a substantial Risk of serious harm, and (2) tailed to respond resonably --(G) As part of the underlying incidents; The fourth Amendment, et. al. Claims for monetary Damages (Extraodinary Circumstance)
Because an illegal arrest, may be followed by
a conviction, a conviction generally need not
be set aside in order for a plaintiff to
pursue a 42. U.S.C. \$ 1983 Claim Under the fourth Amendment for Damages or Relief. (H) It is of the utermost Necessity for this Case to go forward _ event if at a later Date And for the Defender Officer's to be held accountable according to the Seriousness of their action's. They was sworn to serve and Protect. These matters are too important to be dissmissed, ignored or barred as a matter of Law; for any reason,

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(Respectfully). I also would like too request	this
Honorable court to stay the course	pending
For Damages or relief. Couse, the p	ending
(Respectfully). I also, would like too request Honorable court to stay the course the conclusion of the case against Tor Damages or relief. Couse, the postate case was brought against me bad faith.	-
This Answer Motion, was filed in go Respectfully. Sinature: Mr. Wardelf Bright Date: 8-7-2008	
Date:8-7-2008	
<u>. </u>	

United States District Court, (-2 Northern Wistrict of Illinois, Eastern Division Case Number 0707197 Mr. Wardell Bright Judge: MR. James B. Zagel MR.R. Melondez * 1398 Audge: 1 R. dames D. Zac MR.R. Corona * 7852, et.al Magistrate Judge: Brown Notice of Answer Motion: lo: Thomas H. treiting Assistant Corporation Counsel 30 south La Salle Street Suite: 1400 Unicago Illinois, 60602 Take Notice; Thomas H. Freitag, In care of the above Wefendant's. I MR. Wardell Bright, Pro-Se. Have this day filed with the clerk of the United States District Court for the Northern District of Illinois, Eastern Division Answer Motion, To your motion: Title to Stay the Proceedings. On or about 8-14-2008. At 2195. Dear Born, Chicago Illinois, 60604 Motion Dated at Cook, County, Department of correction, Low-Library, Division-11. On or about 8-7-2008. Mr. Wardell Bright Pro-Se By: Wardell Bright 1.0. Box 089002 #2007-0072575 Chicago Illinois, 60608 Mawaell Bright

(2-2)

·
Ceritificate of Service
T hereby certify. T have caused ture, and
I hereby certify, I have caused ture, and Correct Copies of the for going Answer Motion. A original Copy, plus a Judges Copy, and defendants or defense Counsel (5-Copies altogether At the addresses herein: I'M Sending 2 - Copies
A original Copy, plus a Ludges Copy, and
defendants or defense Course (5-Copies altogether
At the addresses herein: I'M Sending a - copies
to: The Clerk of court in care of the trisoner
Correspondent (At the address) 219 500th Dear Born,
Phicago Illinois, 60604.
Also, Sending 2-Copies to: Defense Counsel. Mr. Thomas H. Freitag, in care of the Defendants
11R. Ihomas H. treitag, in care of the Wetendants
officers; At the address herein: 30 La Salle
Shicago Illinois, 60602. I place Said Copies in Stamped, addressed envelopes, and depositing
Some the Cook County December and depositing
Same in the; Cook, County, Department of Chicago
Illinois,60608.0n8-7-2008
Mr. Wardell Bright Pro Se
.i
1 / 1/
Shicago Ilinois, 60608
·

Date: 9-22-07/

Dote: 9-22-27/

Victom: MR. Wardell Bright # 2007-0072575

:2+7

Date: 9-22-07

I was Racially, Violently # Viciously attacked by two Chicago Police Officer's. On 9-22-07, between 11 pm # 1138m, I was beaten, punched, kicked #Stump; for a while By: COfficer's MR.R. Melondez *11398) # (Officer: MR.R. Corona * 7852). Called Niggers # Black-ass-Niggers ... I Wardell Bright; was in the alley between Morgan # Corpiter on 53th street. Going through things people through-out (garbitch). When a Police Car pull-up. Two Officer's got out with flushlight in there hands. Officer said; Hey there, What are You doing? I said, going through the garbitch, it's a lot of good things, people through out (garbitch) it's a lot of good things, people through-out. While, I was saying this; one of the Officer's: (MR. R. Melandez *11398) was saying to the other Officer: the must not know the one, about two white men in the alley with a (Nigger), with two Nigger beater's. And the Nigger (Smiling) Soying what seem to be the problem Officer's asked me for I.D. one of the officer's, told me to come over too him # put my hands on the Front of the police car; I did what he asked. While one of the police officer's looked arround the garbitch # Back Yard of 53th Morgan, Street; Side of the alley. He (Police) on the cellphone (Stated) I think that I'm smart; Couse I did-not Run; I was going to wish, I had Ran; After they get through with me. (I was afraid) # (Intear for my Intell) So, I ran too next block (Street) to get out the alley# on to the Street. I couldn't out run the two young officer's. Signture: Mr. Wardell Bright

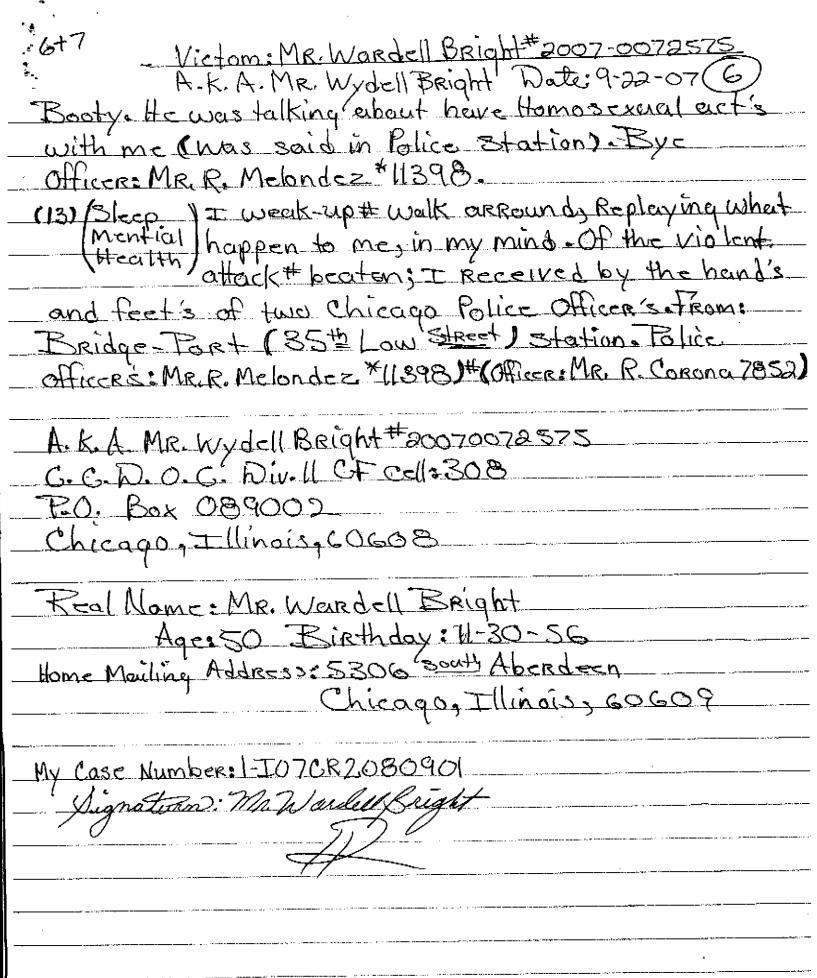
Filed 08/14/2008 Victom: MR-Wardell Bright #2007-0072575 .=3+7 A.K.A.MR. Wgredell Bright Nate: 9-22-07 3 So, I stop on the street (53th Carpiter street). I dust Ran out the alley on the Street. One of the Officer's, had me to get down on my knee's. Officer, had his gun on me (One of them) then he started hand-Cuffing me. Officer, hit me with something (Gun) or (tlush-tight) or Both. I was out of it. Anthon, Other officer come overthdrop his Knee to the middle of my back Police Officer (Stakled) you going to Run on me; "You Nigger", Ill Kill you; Cofficer went Crazy on me). Africar: Mr.R. Melondez *11398 and Officer: MR. R. Corona *7852. Officer, got too his feel, While the Other Officer, put me in hand-Cuff's. The two police Officer, (Both) of them; Continue with the (Racial-Sturs) The officer, who come # drop his knee to the middle of my beack: got up on his feet # started, kicking, stamping # beating me badly. Anthon, drop his knee to the middle of my back; got up again kicking, Stomping, beating me badly. All over my back # head ; All the while they (Chicago Police's) from: 35th Low (Bridg-Port) Police Station. Was calling me Nigger's over#over again. (Fercial-Slur's) I was punched in back # front # side of my head. All of this was happening at the Same time. I was being kicked in my face Right exe. I was mainly kicked, Stumped beaten in back, Side, face # uper part of body - I was called a lot of (Racial-Sur's) By arresting Chicago Police Officer's (You-Nigger) # (You-Black-ass- Nigger) you going to Run, on me; you-Back-ass- Wigger . I'll kill you, Nigger, et, al." Signture: Mr. Wardell Bright

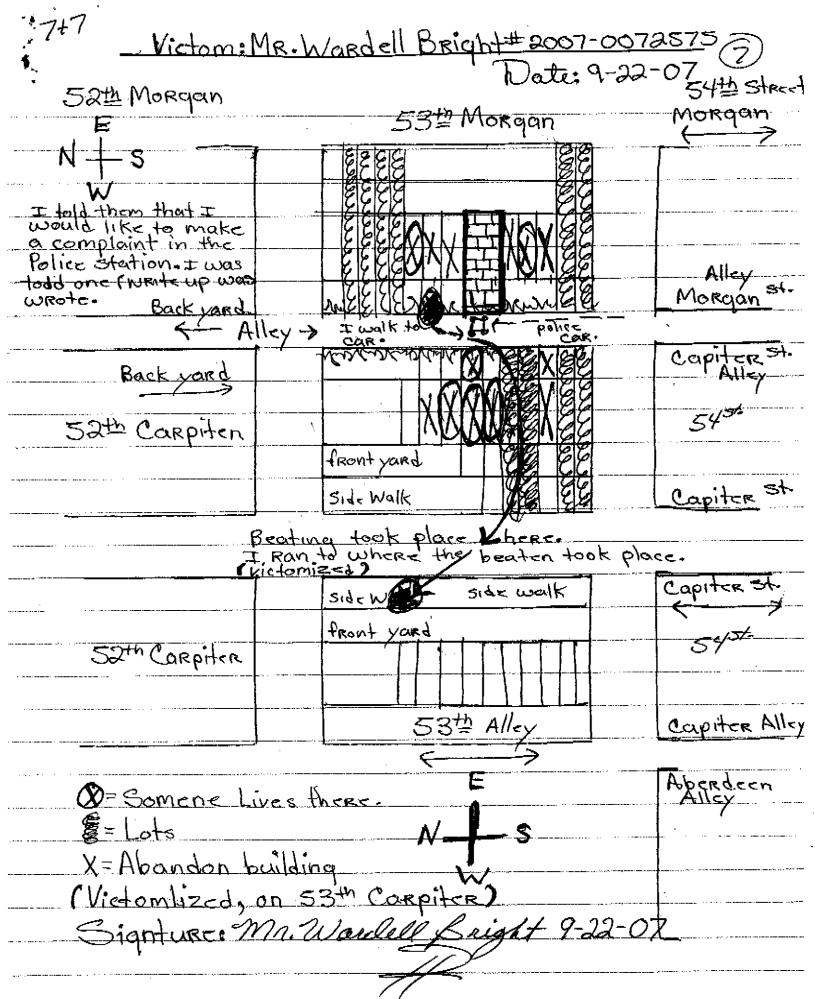
4+7 Victori: MR. Wardell Bright # 2007-0072575 Wardel Bright Wate: 9-22-07 (9) I wardell Bright # 2007-0072575. My Case Number: 1-IO7CRAOBO901. Was attacked on 9-22-07, between 119pm # 113pm, Violently # Viciously, Beaten by (Chicago Tolice Officer: MR.R. Corona * 7852) (Officer: MR.R. Melondez 11398) I was-not fighting with them or anything like that. It was a Racial attack on me by two Police Officer's - All, I did was Ran too get out of the alley. I was infear for my life! When I Stop Running; I was still infear for my life. I did every-thing that the officer's said. It was took to the Hospital, troom the Police Station, before they took me too lock-up. Beating took place on 58th Carpiter street, On the west side of the street; Mainly on the north end of the block. Ma Wordself Sright (1) (Eye-Right) Can't see good out of it anymore, Cause of the Beating: I received by Chicago Police Officer's. Eye is sweetlen Closed # blacken badly. Was kicked in it. (Face Trauma)+ (Pain Daily) All arround my eye's Hurt's everyday# Night. (2) (Nose) Nose on Right Side, is fracture - X-Rays Show's Claim Waily). (3) (Neck) Up#down back bother me (Daily Hurting). Where's a lot of pain from (time-too-time) in my neck. I can't turn exercund that good enymore; Just Real Slow now. (Neck # Body Trauma) (Pain Daily) (Hurting). (4) (ARM-Right) Can't lise it good anymore, lost of some feeling in my com # hand (Right) it feel like Fin 3# Weedles are in my arm (Hurting Daily) a lot of body Trayma; (Maybe some nerves damage).

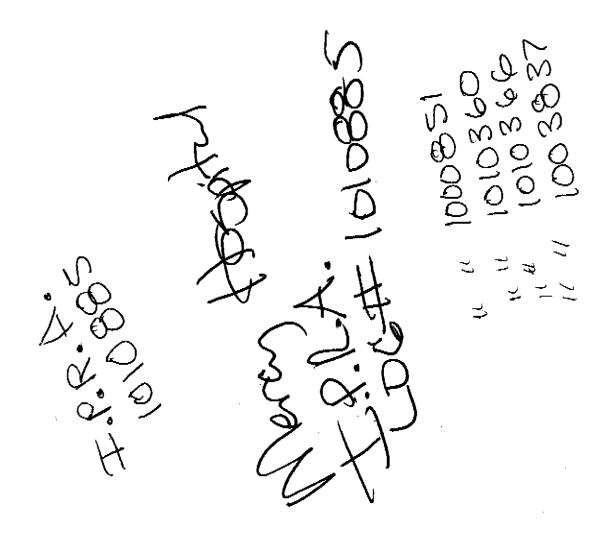
Victom: Mr. Wardell Bright # 2007-0072575

A.K. A. Mr. Wydell Bright Date: 9-22-07

Pain from time-too-time, all Might. ·5+7 Date: 9-22-07(5) (5) (Hand-Right) Lost of some feeling in Right hand. It's Real nume, weak # Sheaking now; (OA # On) I'm in some kind of pain, when using it # when not using it. (Bother me) (6) (Hand-1-H) Big out inside of hand, with small Cat's too. (Husting all the time). (7) (Back-Uper) Can't sit-up or been-over, But Real Slow. Back Bother me everyday now. Laying down 400 - (Pain Daily) (8) (Back-Lower) Hurting me badly all the time; When Laying down, Standing or Sitting- Court Stand without pain, but for a little time now. Alway's Hurting. (9) (Walking) Makes my back hurt now; most of the time . Can't walk tast or good anymore. Without some kind of pain. (10) (Head) Hurting everyday# Night, Sinec; I was attacked - kicked in my head # face; And beaten in back # Side of my Head # face (Stomp) (Head # face (11) (Racial-Slur's) Called me a lot of (Nigger's# Black ass- Migger's el. al. I While being Stump, kicked # Beaten. I Wardell Bright, Compot Sleep good anymore. Mind is always Running . Creplaying what happen & Hurting my head thinking about it. (Mind Teauma) = (12) (Homosexual # Sexual - Stur's) Officer, Said too me, that he like him some Black-438 (Black-







Case 1:07-cv-07197 Document 27 Filed 08/14/2008 Page 20 of 23

(Exhibit-AA)

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

EASTERN					
WARDELL BRIGHT		}			
	Plaintiff,	NO. 07 C 7197			
V.) HON. JUDGE ZAGEL) Judge Presiding			
R. MELONDEZ, and R. CORONA,)) MAGISTRATE JUDGE BROWN)			
	Defendants.)			

DEFENDANT MELENDEZ AND CORONA'S MOTION TO STAY THE PROCEEDINGS

Defendants Ramon Melendez and Rodrigo Corona, (referred to as "Defendant Officers"), by one of their attorneys, Thomas H. Freitag, respectfully request this Honorable Court to stay the proceedings herein until completion of the Plaintiff's underlying state criminal case. In support thereof, Defendant Officers state as follows:

1. On or about December 21, 2007, plaintiff, Wardell Bright filed a pro se complaint pursuant to 42 U.S.C. § 1983, which alleges that Defendant Officers falsely arrested him and used excessive force against him all in relation to his arrest on September 23, 2007. (See Plaintiff's Complaint, attached hereto as Exhibit A.)

1. As part of the underlying incident on September 23, 2007, Plaintiff was arrested and charged residential burglary and criminal damage to property. (See Circuit Court of Cook County, Case Docket for People of the State of Illinois v. Wardell Bright (07 CR 2080901), attached hereto as Exhibit B.)

2080901), is still pending in the Circuit Court of Cook County, Criminal Division. (See Exhibit

B).

- 4. Under the abstention doctrine, federal courts should not entertain a claim for damages under 42 U.S.C. § 1983 if disposition of that civil action would involve ruling on issues in dispute in a pending state criminal proceeding. Crump v. Lane, 807 F.2d 1394, 1400 (7th Cir. 1986)(citing Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746 (1971)). In the interest of comity, the Younger court ruled that federal courts should abstain from enjoining ongoing state proceedings absent extraordinary circumstances. Younger, 401 U.S. at 53.
- 5. The Seventh Circuit Court of Appeals has extended the Younger abstention doctrine to federal suits seeking monetary relief for misconduct in an underlying, pending state criminal case. Simpson v. Rowan, 73 F 3d 134, 137-38 (7th Cir. 1995), cert, denied 519 U.S. 833.

 (1996), Such a scenario is present in the instant case.
- Accordingly, the potential for federal-state friction is evident, as any federal judgment in Plaintiff's Section 1983 lawsuit would have a substantially disruptive effect on his ongoing state criminal proceedings. See Simpson, 73 F.3d at 137, 138 (citations omitted).
- 7 In accordance with Younger, and the Seventh Circuit's extension of that doctrine in Simpson, Defendant Officers request that this Court grant their motion to stay Plaintiff's Section 1983 lawsuit for monetary relief while Plaintiff's criminal case is still pending in state court.

WHEREFORE, Defendant Officer(s) respectfully request(s) this Court grant their motion to stay the proceedings until the conclusion of Plaintiff's underlying state criminal case.

Respectfully submitted,

/s/ Thomas H. Freitag
Thomas H. Freitag
Assistant Corporation Counsel
Counsel for Defendant Officers

Filed 08/14/2008 Fage 32 of 23 12-11-07 2-11-08 Exhibit C+1 To: O.P. S. 3-13-08 4-25-08 From: Mr. Wardell Bright, 20070072575. I Sent You 3-Complaint, So tak, theying to get in touch with you. On two Chicago Police Officer's tor; (Kagal-Yrofiling)+(Kacial-Slurs) (Aggravated Batter)+(for giving me a case), And for the racial attack on me by officer's: (Mr. Melandez*11398) and (Mr.R. Corona*7852). After some people saw, the two Chicago Tolice Officer's beating meglike they did The officer then gave me a case, that night. (A Residentual-Burgular) too an abandon builden- (Victorilizing me twice). Mr. Wardel Bright I would like to know if you received my complaint; and what is my complaint Number? Where are you-all at in your investigation of these officers? Or, are you-all investigating these officer's? For the above Crimes? Mr. Wardell Bright Are the officer's going to be criminally prosecut-ed, or some kind of Law-inforcement accountability. I have been writing too you-all; Right after I was incarcerated; on 9-23-07 when it happen, (The above). Almost tive month's now. Malearlelf Sright 12-11-07

Case 1:07-cv-07197

Document 27

(312) 745-3609





Exhibit C

May 30, 2008

Reference: Log No.

W. BRIGHT ID# 20070072575 Cook County Jail P.O. Box 089002

Dear W. Bright,

Chicago, IL 60608

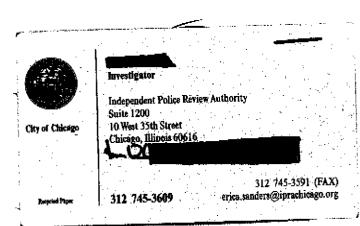
IPRA is investigating the allegation of excessive force you made against a Chicago Police Department employee. The investigation has been on-going for the past six months. It still continues. We are striving to complete your investigation as quickly as possible. We have not yet completed your investigation because a statement from the complainant is needed.

IPRA takes every allegation of misconduct seriously and strives to perform a fair and thorough investigation. We appreciate your having brought the matter to our attention and hope our investigation will be completed shortly.

of Chicago / Independent Police Review Authority 10 West 35th Street - 12th Floor Chicago, Illinois 60616

Sincerely,

ILANA B. R. ROSENZWEIG Chief Administrator Independent Police Review Authority



ECECENTRICOS BIOSIC

